

## **REMARKS/ARGUMENTS**

### **Formal Matters**

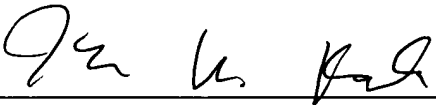
The Examiner has noted that the use of the trademark penetratines in the substitute specification previously filed was improper in form as the generic terminology was deemed insufficient. Specifically, the Examiner notes that the use of the terminology “peptides” is insufficient because it could be any peptides and does not properly identify the product. Applicant has amended the claims, i.e., Claims 22 and 25, and Paragraph [0009] of the Specification to clarify the matter. Referring now to the attached Appendix A, Applicant now uses the term “antennapedia peptides,” which is the exact name of the material sold under the trademark PENETRATIN®. The reference to the trademark is eliminated in the claims to avoid the problems described in Manual for Patent Examining Procedure that recites: “The formula or characteristics of the product may change from time to time and yet it may continue to be sold under the same trademark.” (MPEP Section 608.01(v)). The Specification has been amended in a likewise manner and refers to PENETRATIN® as an example of a source for antennapedia peptides and then describes the name and address of the entity supplying this material. No new matter was added.

Appl. No. 09/913,788  
Amdt. dated May 11, 2004  
Reply to Ex-parte Quayle Action of March 19, 2004

If the Examiner should have any questions regarding this Reply, it is respectfully requested that Examiner please telephone Applicant's undersigned Attorney in this regard.

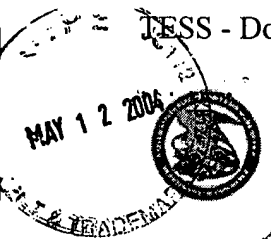
Respectfully submitted,

Date: May 12, 2004



---

Kevin M. Kercher  
Reg. No. 33,408  
Blackwell Sanders Peper Martin LLP  
720 Olive Street, 24<sup>th</sup> Floor  
St. Louis, Missouri 63101  
(314) 345-6000  
ATTORNEY FOR APPLICANT



## UNITED STATES PATENT AND TRADEMARK OFFICE

[Home](#)[Index](#)[Search](#)[System Alerts](#)[eBusiness Center](#)[News & Notices](#)[Contact Us](#)

APPENDIX A

## Trademark Electronic Search System(Tess)

TESS was last updated on Tue May 11 04:47:21 EDT 2004

[PTO HOME](#)[TRADEMARK](#)[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DICTIONARY](#)[BOTTOM](#)[HELP](#)[Logout](#)

Please logout when you are done to release system resources allocated for you.

## Record 1 out of 1

**Check Status***(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)*

## Typed Drawing

Word Mark	PENETRATIN
Goods and Services	IC 005. US 006 018 044 046 051 052. G & S: Chemical preparations, namely antenapedia peptide for pharmaceutical and medical use; pharmaceutical preparations and substances, namely antenapedia peptide
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75452568
Filing Date	March 18, 1998
Current Filing Basis	44E
Original Filing Basis	1B;44D
Published for Opposition	April 9, 2002
Registration Number	2587029
Registration Date	July 2, 2002
Owner	(REGISTRANT) Cyclacel Limited CORPORATION UNITED KINGDOM 5 Whitehall Crescent Dundee, Scotland DD1 4AR UNITED KINGDOM
Attorney of Record	BRUCE S LONDA
Priority Date	February 17, 1998
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

[PTO HOME](#)[TRADEMARK](#)[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DICTIONARY](#)[TOP](#)[HELP](#)[HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM ALERTS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)